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United States Department of Agriculture.

SERVICE AND REGULATORY ANNOUNCEMENTS.¹

INSECTICIDE AND FUNGICIDE BOARD.

No. 44.

N. J. 826-850.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., April 24, 1923.]

NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT OF 1910.

[Given pursuant to section 4 of the Insecticide Act of 1910.]

S26. Adulteration and misbranding of "GERM-X," U. S. v. North Star Chemical Works. Plea of nolo contendere. Fine, \$10. (I. & F. No. 899. Dom. No. 15312.)

On August 18, 1920, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the North Star Chemical Works, a corporation, Lawrence, Mass., alleging the shipment by defendant, on or about May 27, 1919, from the Commonwealth of Massachusetts into the State of Rhode Island, of a quantity of "GERM-X", which was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

Adulteration of the article was alleged in the information in that the statements, to wit, "Sodium Hypochlorite... 7.5% . . . Inert Ingredients . . . 91.5%," borne on the labels affixed to the bottles containing the article, purported and professed that the standard and quality of the article were such that the article did contain sodium hypochlorite in the proportion of 7.5 per centum, and did contain inert ingredients, that is to say, substances that do not destroy, prevent, repel, or mitigate fungi, in the proportion of 91.5 per centum; whereas, in fact and in truth, the article did fall below the professed standards and quality under which it was sold in that the article did contain sodium hypochlorite in a proportion less than 7.5 per centum, and did contain inert ingredients in a proportion greater than 91.5 per centum.

Misbranding of the article was alleged in that the statements quoted above, borne on the labels affixed to the said bottles, were false and misleading, and by reason of said statements the article was labeled and branded so as to deceive and mislead the purchaser in that said statements represented that the article did contain sodium hypochlorite in the proportion of 7.5 per centum and did contain inert ingredients, that is to say, substances that do not prevent, destroy, repel, or mitigate fungi, in the proportion of 91.5 per centum; whereas, in fact and in truth, the article did contain sodium hypochlorite in a proportion less than 7.5 per centum and did contain inert ingredients in a proportion greater than 91.5 per centum.

Misbranding of the article was alleged further in that the statement, to wit, "Drains * * * Use a solution of one oz. to one gallon of water," borne on the labels affixed to the bottles, was false and misleading, and by reason of said statement the article was labeled and branded so as to deceive

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and mislead the purchaser in that the said statement represented that the article, when used in the strength and proportion and in the method and manner as directed, was an efficient disinfectant for drains; whereas, in fact and in truth, the article, when used as directed, was not an efficient disinfectant for drains.

On May 19, 1922, a plea of *nolo contendere* having been entered on behalf of the defendant, the court imposed a fine of \$10.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

S27. Misbranding of "Pinexo." U. S. v. Mackie Pine Oil Specialty Company, Inc. Plea of guilty. Fine, \$10. (I. & F. No. 956. Dom. No. 15624.)

On June 24, 1921, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mackie Pine Oil Specialty Company, Inc., Covington, La., alleging the shipment by defendant on or about February 19, 1920, from the State of Louisiana into the State of Mississippi, of a quantity of "Pinexo," which was a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

Misbranding of the article was alleged in the information in that the article did consist partially of an inert substance, to wit, water, which said inert substance or ingredient does not prevent, destroy, repel or mitigate insects that infest horses, cattle, hogs, and poultry, and does not prevent, destroy, repel, or mitigate fungi, to wit, pathogenic and putrefactive bacteria, and the name and percentage amount of the said inert substance or ingredient so present in the article were not stated plainly and correctly, or at all, on each or any label affixed to each or any of the cans containing the article; nor, in lieu of the name and percentage amount of the said inert substance or ingredient, were the names and percentage amounts of each and every ingredient of the article containing insecticidal or fungicidal properties, and the total percentage of the inert ingredients so present in the article, stated plainly and correctly, or at all, on each or any label affixed to each or any of the cans containing the article.

Misbranding of the article was alleged further in that the statements, to wit, "The Household Disinfectant Deodorant—A Product of the Pines PINEXO Soluble in Water. Disinfectant Use on Horses, Cattle, Hogs and Poultry For Vermin, Old Sores, Fistula, or Poll Evil Mix with Sawdust for Floor Sweep Manufactured by Mackie Pine Oil Specialty Co., Inc., Covington, La. Directions for using * * * For Veterinary Use—For Old Sores: Rub pure, and wash with warm water daily. For Vermin: Spray with a solution of two quarts of water and 1 oz. of Pinexo. For Fistula and Poll Evil: Open sack, and inject into cavity night and morning. 1 oz. of pinexo to a quart of warm water. For Sores and Foot Evil: Pinexo may be applied undiluted to check bleeding, but the most appropriate dressing would be to add two teaspoonfuls of Pinexo to a quart of water and bathe the affected parts in the solution until the inflammation is reduced," borne on the labels affixed to the cans containing the article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser in that said statements purported and professed that the article was composed and did consist wholly of a product of the pines, that is to say, that the article was composed and did consist wholly of substances or ingredients derived, obtained, and produced from pine trees; that the article, when used as directed, would be effective against all types and varieties of vermin that infest horses, cattle, hogs, and poultry, and would be an effective remedy in the treatment of all kinds, types, and varieties of sores and poll evil on horses, cattle, or hogs; whereas, in fact and in truth, the article was not composed and did not consist wholly of a product of the pines, that is to say, substances and ingredients derived, obtained, and produced from pine trees, but the article did consist partially of substances or ingredients other than substances and ingredients derived, obtained, and produced from pine trees, to wit, sodium rosin soap, water, and mineral oil; and the article, when used as directed, would not be effective against all types and varieties of vermin that infest horses, cattle, hogs, and poultry, and would not be an effective remedy in the treatment of all kinds, types, and varieties of sores and poll evil on horses, cattle, or hogs.

On June 2, 1922, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$10.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

S28. Misbranding of "Eureka Dip and Disinfectant No. 1." U. S. v. Shrader Drug Company. Plea of guilty. Fine, \$10 and costs. (I. & F. No. 1023. Dom. No. 15942.)

On May 25, 1921, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Schrader Drug Company, a corporation, Iowa City, Iowa, alleging the shipment by defendant on or about November 3, 1920, from the State of Iowa into the State of Nebraska, of a quantity of "Eureka Dip and Disinfectant No. 1," which was a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

Misbranding of the article was alleged in the information in that the statements, to wit, "For hog lice or skin diseases on hogs * * * for wounds or sores of any kind on animals," borne on the labels affixed to the can containing the article, were false and misleading, and by reason of said statements the article was labeled and branded so as to deceive and mislead the purchaser in that the said statements represented that the article, when used as directed, would be effective against all skin diseases on hogs, and would be effective in the treatment of all types and varieties of sores on animals; whereas, in fact and in truth, the article, when used as directed, would not be effective against all skin diseases on hogs, and would not be effective in the treatment of all types and varieties of sores on animals.

Misbranding of the article was alleged further in that it did consist partially of an inert substance or ingredient, to wit, water, which said substance or ingredient does not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of the said inert substance or ingredient so present in the article were not stated plainly and correctly, or at all, on any label affixed to the can containing the article; nor, in lieu of the name and percentage amount of the said inert substance or ingredient, were the names and percentage amounts of each and every substance or ingredient of the article having insecticidal or fungicidal properties, and the total percentage of the inert substances or ingredients so present in the article, stated plainly and correctly, or at all, on any label affixed to the can containing the article.

On April 25, 1922, a plea of guilty to the information having been entered on behalf of the defendant, the court imposed a fine of \$10 and costs.

C. W. PUGSLEY,

Acting Secretary of Agriculture.

S29. Adulteration and misbranding of "Derror's Latest Improved Tree Fluid." U. S. v. Steven Kober (The Derror Latest Improved Tree Fluid Co., also Derror's Tree Fluid Co.). Plea of guilty. Fine, \$25. (I. & F. No. 1049. Dom. No. 14980.)

On December 21, 1921, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the said district an information against Steven Kober, The Dalles, Oreg., trading under the name and style of The Derror Latest Improved Tree Fluid Co., and also under the name and style of Derror's Tree Fluid Co., alleging the shipment by defendant on or about May 27, 1919, from the State of Oregon into the State of Washington, of quantities of "Derror's Latest Improved Tree Fluid," which was an adulterated and misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

Adulteration of the article was alleged in the information in that the statements, to wit, "Inert Ingredients, Water 55½ pc. Active 44¼ pc.," borne on the labels affixed to the jugs containing the article, purported and professed that the standard and quality of the article were such that the article did contain active ingredients, that is to say, substances that do prevent, destroy, repel, or mitigate insects or fungi, in the proportion of 44¼ per centum and did contain inert ingredients, that is to say, substances that do not prevent, destroy, repel, or mitigate insects or fungi, in the proportion of not more than 55½ per centum; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold in that, in fact and in truth, the article did contain active ingredients in a proportion less than 44¼ per centum and did contain inert ingredients in a proportion greater than 55½ per centum.

Misbranding of the article was alleged in the information in that the above-quoted statements, borne on the labels affixed to the said jugs, were false and

misleading, and by reason of said statements the article was labeled and branded so as to deceive and mislead the purchaser in that said statements represented and professed that the article did contain active ingredients, that is to say, substances that do prevent, destroy, repel, or mitigate insects or fungi, in the proportion of 44 per centum and that the article did contain inert ingredients, that is to say, substances that do not prevent, destroy, repel, or mitigate insects or fungi, in a proportion of not more than 55½ per centum; whereas, in fact and in truth, the article did contain active ingredients in a proportion less than 44½ per centum, and did contain inert ingredients in a proportion greater than 55½ per centum.

Misbranding of the article was alleged further in that the article was an insecticide other than Paris green and lead arsenate, and a fungicide which did contain arsenic in combination or combinations thereof, and the total amount of arsenic present, expressed as per centum of metallic arsenic, was not stated on the labels affixed to the jugs containing the article.

Misbranding of the article was alleged further in that the article was an insecticide other than Paris green and lead arsenate, and a fungicide which did contain arsenic in a combination or combinations thereof and in water-soluble forms, and the amount of arsenic in water-soluble forms, expressed as per centum of metallic arsenic, was not stated on the labels affixed to the said jugs.

Misbranding of the article was alleged further in that the statements, to wit, "Derror's Latest Improved Tree Fluid. For destroying San Jose Scale and Insects that feed upon the trunk and roots of trees and plants * * *. For scale use it stronger. See direction book," borne on the labels affixed to the said jugs, were false and misleading, and by reason of said statements the article was labeled and branded so as to deceive and mislead the purchaser in that said statements represented and professed that the article, when used as directed, was an effective remedy against San Jose scale and all insects that feed upon the trunk and roots of trees and plants, and that it was an effective remedy against scale on trees and plants; whereas, in fact and in truth, the article, when used as directed, would not be an effective remedy against San Jose scale and all insects that feed upon the trunk and roots of trees and plants, nor would it be an effective remedy against scale on trees and plants.

Misbranding of the article was alleged further in that the defendant did on or about May 27, 1919, send through the United States mail to the purchaser of the said article one or more printed booklets regarding the said article, and in that the statements regarding the said article borne in said booklets, to wit, "It has been improved on from time to time until it now takes a front rank as a practical cure for all the diseases that trees, shrubbery and vines are heir to. * * * This liquid is today one of the only successful liquid applications being applied to trees, vines, etc., causing new life and vigor to be installed. * * * Forest trees that were fast going to destruction were, by our method of treating, made objects of health in less than two years. Old pear trees that were almost destroyed by blight have been made as thrifty as young trees and loaded with the choicest of fruit. Old orchards that were pronounced worthless have been transformed into a profitable vigorous, health condition by the use of our fluid. This liquid destroys the disease known as black knot, San Jose scale, codling moth, apple scab, curculio, all subterranean insects the borers that feed upon the trunk, roots and branches of the tree. * * * If you are in search of a practical article, one that will keep your orchard or vineyard in a strong and healthy condition, try our fluid. * * * It is a fact that the application and our method of treating is a success if properly used. * * * In principle, method and ease of applying and in results obtainable, it comes nearest to nature's requirements. For positive and abundant proof that our liquid and method of treating has performed a truly great service to the Fruit and Viticultural Industry of America, read the testimonial in this book. It is a positive and powerful invigorator and renovator for all kinds of trees and plants. It sweetens and wonderfully improves the fruit. * * * It will beautify and brighten ornamental trees and shrubbery. While spraying stand so as to spray under the leaf as much as possible and on the branches. Our fluid not only removes the scale, but it softens the bark, opens the pores and leaves the tree in a healthy condition; it will also prevent blight on potato vines, if sprayed in time, by using 1 quart of fluid to 50 gallons of water. * * *

Citrus Fruit Trees Orange, Lemon, Grape Fruit, Kumquat, etc., are infested with * * * Lemon Scab * * * Treatment—use Fluid 1 quart to 50 gallons of water. Spray entire tree thoroughly, also treat roots. * * * for Orange Blight, Wilt, Dieback, Foot Rot, * * * Orange Cancer and Acute Gum disease.—First of all make a good trench. Use Fluid 1 quart to 50 gallons of water. Spray tree thoroughly, then pour one to four gallons, according to size and condition of tree, around the base, thus giving the roots a thorough treatment. * * * Lemon Scab on Grape Fruit. Use Fluid 1 pint to 50 gallons of water. Spray entire tree four or five times, two weeks apart, using 1 to 4 gallons around base of trees. * * * Foot Rot—Special Treatment. * * * Use Fluid 1 quart to 50 gallons of water. Saturate the trunk and especially the diseased parts with the fluid. If the tree is affected so badly that the disease has destroyed the bark almost entirely around the base of tree, and vitality has become greatly weakened, the earth should be banked or boxed in all around the tree, high enough so that the diseased and dead parts are entirely covered and live bark dips down into the earth of the bank. This bank should be kept in place at least two years, thus allowing, during this time, new roots to start from the edges of the live bark and grow down through the bank and, enter in the earth proper, again giving the tree full excess to the elements of the earth. During these two years the tree should be sprayed regularly and the trunk and roots saturated several times with the Fluid diluted as above. * * *

Peach Trees For Yellow Scab * * *, spray twice a year, spring and fall, when the trees are dormant. Use 1 quart of Fluid to 50 gallons of water. Trench all diseased trees, and into this trench pour one to three gallons of spray, according to the size of the tree. It invigorates the tree and fruit and keeps the trees in perfect health.

Tomatoes. Use 1 quart of Fluid to 50 gallons of water. Spray the plants after setting them out, and four or five times later, as they need it. This will insure perfect tomatoes, as it will destroy tomato rot * * *

Apple Trees. * * * To produce perfect fruit, spray three or four times two weeks apart, beginning just as soon as the blossoms have fallen. * * * Apple and Gall Scab and all varieties of Scale will be destroyed by using according to directions. Apple blight or fire blight, can be handled with, from 1 to 4 treatments, one month apart. "Treatment" one qt. to 50 gal. of water. Stir spray well before using. Saturate tree well.

The Pear Tree * * * But it is peculiarly subject to the Blight, which is very destructive. Treatment—Cut out blighted limbs, use Fluid 1 quart to 50 gallons of water in dormant state and 1 quart to 50 gallons while foliage is on. Before spraying trench the tree. Spray thoroughly and treat trees by pouring 1 to 4 gallons in trench, three times, a month apart, beginning in spring when the saps are going up.

Apricot, Quince, Cherry, Plum, Prune, and Nectarine. Insects common to these trees are Black Knot * * * etc. Treatment—Cut out black knots and use Fluid 1 quart to 50 gallons of water while tree is dormant, spring and fall, using from 1 to 4 gallons in trench. * * *

English Walnut and Pecan. Treatment for Bacteria, * * * etc.—Use Fluid 1 quart to 50 gallons of water. Give tree two treatments one month apart each season. If possible trench the tree. Treat roots with 1 to 4 gallons Spraying Fluid.

Malgagona. "Malgagona" is a disease that destroys limbs and body of the tree. These trees can be handled with from 1 to 4 treatments, one month apart. Can be made vigorous trees again. "Treatment" one qt. to 50 gal. of water. * * *

Anthrachnose. Anthrachnose, is a disease that must be treated with 3 qt. to 50 gallons of water and all spots of Anthrachnose must be cut out and painted with our raw material after being stirred thoroughly. Trees must be treated four times one month apart.

TESTIMONIALS.

* * * the past season has added to my appreciation of the marvelous results obtained by the use of your liquids in treating my trees and vines. Previous to application of your liquids a number of my pear trees were almost destroyed by blight and in one year after the liquid was applied new tops were formed and all the trees present a fine, healthy appearance. * * * In conclusion, I can honestly say from experience and firmly believe that the

use of your liquids and methods of treating will revolutionize the Fruit and Viticulture Business. * * * * * A number of trees that were in a fair way to die altogether were revived and this year had loads of choice fruit. And no more blight has appeared in the trees. * * * * * All the pear trees were badly blighted and failed to yield a profitable crop, but since the treatment, I must say they produce larger and better pears than any on the island and the blight is a thing of the past. All the grape vines which I treated with your compound yield fine large bunches and were free from "Grape Rot" and mildew, which I have experienced so much trouble with in the past. * * * My experience has been so satisfactory that I not only recommend them to my friends, but have discarded all other insecticides and treatments as being worthless in comparison with yours. * * * * * I have given another year's test of your Tree and Vine Liquids and I approve of them more than ever. In fact it is impossible for me to have a successful crop without their use. They do the work that nothing else can compare with and for the least expense. * * * The blighted pear trees are now healthy and vigorous and the fruit is perfect. By the use of your liquids, I can secure a maximum crop with a minimum of labor. * * *

A number of pear trees, on the grounds of the club, which is located in Sandusky county, were badly blighted and infested with San Jose Scale and root borers were treated with your liquids. * * * Derror's Improved Tree Fluid is the Best one solution for all the ills vegetation and trees are heir to—both root and branch. * * * It is a tonic and life giver to All Vegetation, trees, garden truck and lawns, as well as sure destroyer of sc * * * and Fungus. It is the most economical of any spray, considering its use for so many purposes, and its value to the ground where all sprays finally land * * *," were false and misleading, and by reason of said statements the article was labeled and branded so as to deceive and mislead the purchaser in that said statements represented and professed that the article, when used as directed, would be a practical cure for all diseases that trees, shrubbery, and vines are heir to; that it was the only successful liquid-application applied to trees, shrubbery, vines, etc.; and that it would in all cases cause new life and vigor to be instilled into the plants, would prevent the destruction of forest trees and would make them objects of health in less than two years, would control pear blight and would make blighted pear trees thrifty, would transform all worthless orchards into a vigorous and healthy condition, would destroy the diseases of black knot and apple scab, would keep orchards and vineyards in a strong and healthy condition; that the application and method of treating trees, vines, and other plants in the method and manner as described in said booklets would be a success, would come nearest to nature's requirements; that the testimonials relative to said article contained in the booklet furnished positive and abundant proof that the article and the method of treating trees, vines, and other plants has performed a truly great service to the fruit and the viticultural industry of America, would act as a powerful and positive invigorator for all kinds of trees and plants and would sweeten and improve the fruit, would brighten and beautify ornamental trees and shrubbery, would leave the trees in a healthy condition and would prevent blight on potato vines, would be effective against lemon scab, would be effective in treating orange blight, wilt, dieback, foot rot, orange cancer, and acute gum disease, would be effective against lemon scab on grape fruit, would be effective against foot rot of trees, would prevent yellow scab of peach trees and would in all cases invigorate the trees and fruit and keep the trees in perfect health, would be effective in destroying tomato rot, would produce perfect fruit and would control apple scab, would be effective against apple blight, fire blight, and pear blight, would be effective against black knot of apricot, quince, cherry, plum, prune, and nectarine trees, would be effective against bacteria of English walnut and pecan, would be effective against malgagona and anthracnose; that marvelous results would always be obtained by the use of the article in treating trees and vines, and the preparation would cure blight of pear trees and cause such trees to form new tops and present a fine appearance, and the liquids and methods of treating would revolutionize the fruit and viticultural business; that the article would be a cure for all blight of fruit trees; that all other treatments for the control of diseases of trees, vines, and plants are worthless in comparison with the treatment of the article aforesaid; that it is impossible for growers to have successful crops without the use of said article; that the article does the work that nothing else can compare with, and that it would control pear blight, and that one could, by the use of the article as directed,

secure a maximum crop with a minimum of labor, would control pear blight after the trees have been badly blighted and infested with San Jose scale; that it was and is the best one solution for all the ill's vegetation and trees are heir to, both root and branch; that it would be a tonic and life giver to all vegetation, trees, garden truck, and lawns, and a sure destroyer of all fungi; that it was the most economical of any spray, considering its use for so many purposes and its value to the ground where sprays finally land; whereas, in fact and in truth, the article, when used as directed, was not an effective remedy for the various diseases of plants, shrubbery, trees, and vines, as stated above, and it would not be effective as claimed on the labels.

Misbranding of the article was alleged further in that the statements regarding the article borne in said booklets, to wit, "This liquid destroys * * * San Jose scale, codling moth * * * curculio, all subterranean insects, the borers that feed upon the trunk, roots and branches of the tree. Our fluid destroys San Jose scale when it has formed a second bark the thickness of ordinary brown paper, after several applications. * * * It means that the Derror Tree Fluid possesses many important points of merit over the numerous other insecticides, * * * For scale, root borers * * * this liquid has no equal if properly used, * * * It sweetens and wonderfully improves the fruit. How? By destroying the insects which take the nutriment from the sap. * * * It will beautify and brighten ornamental trees and shrubbery. How? By rendering them free from insects * * * Before you start to spray form a small circular channel around the base of the tree to catch the surplus fluid that may run down, also place from 1 to 4 gallons of the spraying fluid (according to the size and condition of the tree), around in the channel to kill the root borers * * *. For first spraying for scale when the tree is dormant use 1 quart of fluid to 50 gallons of water. For second spraying after the blossoms have fallen, just use 1 quart of fluid to 50 gallons of water, and for third spraying for codling moth and curculio the same, * * *. Our fluid not only removes the scale * * * Root Treatment—Since a number of tree insects remain in the ground and work upon the roots, it becomes just as necessary to treat the roots as it does the body and branches of the tree, * * * Starting young trees and how to keep them thrifty and free from insects, * * * San Jose scale. The best time to remove San Jose scale is during the period from November to April. * * * See No. 4 in general directions, * * * Tussah Moth and Canker Worm. Treatment—Use fluid-1 quart to 50 gallons of water. Spray any time during season when insects are at work. Two to three treatments two weeks apart. * * * Multiplying Borer. * * * Use fluid 1 quart to 50 gallons of water. Spray trunk thoroughly three times a week for three weeks, * * * Citrus Fruit Trees * * * are infested with San Jose scale black or smut scale, red and purple scale, cottony and web scale, mealy bug, wood lice * * * and other insects. Treatment—Use fluid 1 quart to 50 gallons of water. Spray entire tree thoroughly, also treat roots, * * * Treatment for * * * red and white spider, root borers * * * First of all make a good trench. Use fluid 1 quart to 50 gallons of water. Spray trees thoroughly, then pour 1 to 4 gallons, according to size and condition of tree, around the base, thus giving the roots a thorough treatment. * * * Treatment for rust mite. Use Fluid 1 pint to 50 gallons of water. Apply in form of fog spray or mist spray three times two weeks apart beginning when fruit is about the size of a robin's egg or hazel nut. * * * Peach trees. For * * * borers and all insects that work on the peach tree and its roots, spray twice a year, spring and fall, when the trees are dormant. Use 1 quart of Fluid to 50 gallons of water, * * * Tomatoes. Use 1 quart of Fluid to 50 gallons of water. Spray the plants after setting them out, and four or five times later, as they need it. This will insure perfect tomatoes, as it will destroy * * * and worms, * * * Cabbage. Use 1 quart of Fluid to 50 gallons of water. Spray after setting plants and when the worms appear.

For gooseberries and currants. Use 1 quart of Fluid to 50 gallons of water. Watch when the insects appear. Spray twice, a week apart. Apple trees. Treatment when dormant, use 1 quart of Fluid to 50 gallons of water, and for codling moth and curculio (which forms the apple worm), use Fluid 1 quart to 50 gallons of water * * * multiplying and flat head borers, wooly apila * * * and all varieties of scale will be destroyed by using according to directions. * * * Apricot, Quince, Cherry, Plum, Prune and Nectarine. Insects common to these trees are * * * root borer, several varieties of scale, curculio, etc. Treatment. Cut out black knots and use Fluid 1 quart

to 50 gallons of water while tree is dormant, spring and fall, using from 1 to 4 gallons on trench. Grape Vines. The grape is generally infested with grape louse and phylloxera. * * * Treatment for both insects. Use Fluid 1 quart to 50 gallons of water. Apply one gallon or more to crown of root. This treatment must be given from first of March to last of April. Do not spray the vine unless dormant. The berry moth or the berry worm, or the blue grape worm which destroys the grapes and the root beetle which destroys the roots and the vine. All manner of worms which feed on a greenhouse plant, such as rootknot in the cabbage roots, cucumber vines, tomatoes and lettuce; the white worm in the cabbage roots, and all manner of worms that feed on the soil kept in greenhouses. We destroy them by using 1 quart to 50 gallons of water. * * *

Forest, Shade and Ornamental Trees. These trees are generally infested with a large variety of scale borers and other insects. Treatment—Spray thoroughly when dormant, using 1 quart of Fluid to 50 gallons of water; also treat roots.

Rose Bushes. All varieties of roses are infested largely with rose slugs. Treatment. Use Fluid 1 quart to 50 gallons of water. When bugs appear, spray thoroughly the entire bush and to destroy borer * * * apply $\frac{1}{2}$ to 1 gallon of spraying fluid to crown of roots. * * * English Walnut and Pecan. Treatment for * * * cut-off bug, etc. Use Fluid 1 quart to 50 gallons of water. Give two treatments one month apart each season. If possible trench the tree. Treat roots with 1 to 4 gallons of spraying fluid. * * *

TESTIMONIALS.

My grape vines are the envy of all my neighbors and have yielded an abundance of fruit after the first years use of your liquid, and no more grape lice have appeared on the vines. * * * My peach trees were especially in bad condition with shot borers, which have been entirely eliminated after applying your Fluid and the trees now show a healthy condition. * * * My grape vines were badly diseased by the grape louse and phylloxera and after the first year's treatment no more of these pests have been found on the vines. * * * All my peach trees yielded fruit of a better flavor and larger size than ever before, which I attribute to the total destruction of the root, body and shot borers which have undermined and reduced the vitality of the trees. * * * My apple trees were afflicted with San Jose scale, the pear trees with borers, and grape vines with grade louse. Since the time of treatment the trees have been covering C. de in D., bearing fruit growing to untold heights as if blights were unknown. My grapes are larger than ever. * * * As I have a variety of trees on my residence at No. 271 West 4th Street, consisting of peach, cherry, plum, prune and apple, that through neglect had become very badly affected with scale and root borers, I had them treated with the Derror Improved Tree Fluid. I am pleased to state that the scale is all killed. One of my apple trees in particular was so badly affected with the root borers that the vitality of the tree had become greatly weakened. * * * A number of pear trees on the grounds of the club * * * were badly blighted and infested with San Jose scale and root borers were treated with your liquids. The plum, peach and apple trees, which all had San Jose scale and borers, were given treatment and soon gave signs of renewed vigor * * *. The pear, peach, apple and plum trees which were completely covered with San Jose scale, are now vigorous and healthy and the scale has been literally destroyed, * * * Derror's Improved Tree Fluid. It is a tonic and life giver to all vegetation, trees, garden truck and lawns, as well as sure destroyer of scale * * *," were false and misleading, and by reason of said statements the article was labeled and branded so as to deceive and mislead the purchaser in that the said statements purported and represented that the article, when used as directed, was an effective remedy against San Jose scale, codling moth, curculio, all subterranean insects, and the borers that feed upon the trunk, roots, and branches of the tree; that it possesses many important points of merit over all other insecticides; that it was an effective remedy against scale, root borers, and all insects which take the nutriment from the sap of trees and plants and against all insects that infest ornamental trees and shrubbery; that it was an effective remedy against scale, codling moth, and curculio; that it would remove the scale from trees and plants; that it was an effective remedy against all insects which remain in the ground and work upon the roots of trees; that it would keep young trees free from insects;

that it was an effective remedy against San Jose scale, tussah moth, canker worm, black or smut scale, red and purple scale, cottony and web scale, mealy bug, wood lice, and all other insects that infest citrus trees, red and white spider, all root borers that infest citrus trees, rust mite, borers, and all insects that work on the peach tree, all worms that infest or attack tomatoes, cabbage worms, all insects that infest gooseberry and currant branches, codling moth, curculio, multiplying and flat head borers, woolly aphis, and all varieties of scale on apple trees, root borers, scale curculio, and all other insects that infest apricot, quince, cherry, plum, prune, and nectarine trees, grape louse, phylloxera, the berry moth and berry worm, blue grape worm, root beetle which destroys roots of grape vines, all manner of worms which feed on greenhouse plants and on the soil kept in greenhouses, scale, borers, other insects that infest or attack forest, shade and ornamental trees, rose slugs and all lice that infest or attack roses, cut-off bugs and all other insects that infest and attack the English walnut and pecan trees, grade lice, shot borers, root, body and shot borers of the peach, San Jose scale, pear tree borers; whereas, in fact and in truth, the article, when used as directed, was not an effective remedy for the insects and the plant diseases stated above and as claimed on the labels affixed to the jugs containing the article.

On March 3, 1922, a plea of guilty to the information having been entered on behalf of the defendant, the court imposed a fine of \$25.

C. W. PUGSLEY,

Acting Secretary of Agriculture.

S30. Misbranding of "Idico Disinfectant Filler." U. S. v. Ideal Disinfectant Corporation. Plea of guilty. Fine, \$25. (I. & F. No. 1062. Dom. No. 16112.)

On February 15, 1922, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Ideal Disinfectant Corporation, having a place of business at Woodbridge, N. J., alleging the shipment by defendant on or about September 18, 1920, of a quantity of "Idico Disinfectant Filler," which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

Misbranding of the article was alleged in the information, in that the statements, to wit, "Idico Disinfectant Filler. Guaranteed to contain active ingredients approved by the U. S. Government as powerful disinfectants," borne on the labels affixed to the cans containing the article, were false and misleading, and by reason of said statements the article was labeled and branded so as to deceive and mislead the purchaser in that the said statements purported and represented that the article, when used as directed, was a disinfectant, and that the article had been approved by the United States Government; whereas, in fact and in truth, the article, when used as directed, was not a disinfectant, and the article had not been approved by the United States Government.

On April 3, 1922, a plea of guilty to the information having been entered on behalf of the defendant, the court imposed a fine of \$25.

C. W. PUGSLEY,

Acting Secretary of Agriculture.

S31. Adulteration and misbranding of "Soluble Pine Compound." U. S. v. 1 Drum of "Soluble Pine Compound." Default decree of condemnation and forfeiture. (I. & F. No. 1079. S. No. 122.)

On August 24, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of one drum of "Soluble Pine Compound." It was alleged in the libel that the article had been shipped on or about March 9, 1921, by the Chemical Supply Co., Cleveland, Ohio, from the State of Ohio into the State of Colorado, and that having been so transported it remained unsold at Denver, Colo., and that it was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

Adulteration of the article was alleged in the libel in that the words and statement, to wit, "Soluble Pine Compound. Inert Matter 9% Water," in the label on the drum containing the article, purported and professed that the standard and quality of the article were such that the article did contain inert matter or substances, that is to say, substances that do not prevent.

destroy, repel, or mitigate fungi, to wit, pathogenic and putrefactive bacteria, in a proportion of not more than 9 per centum; whereas the strength and purity of the article fell below the proposed standard and quality under which it was sold in that, in fact and in truth, the article did contain inert matter or substances, that is to say, substances that do not prevent, destroy, repel, or mitigate fungi, to wit, pathogenic and putrefactive bacteria, in a proportion much greater than 9 per centum.

Adulteration of the article was alleged further, in that the words, to wit, "Soluble Pine Compound," in the label borne on the said drum, and in that the words, to wit, "Soluble Pine Oil," borne on the invoice which was rendered and transmitted to the purchaser by the said Chemical Supply Company on March 9, 1921, are commonly and generally understood and accepted to mean and to apply to a substance or substances obtained and produced from pine trees, together with soluble agents, and by reason of the said common and general understanding and acceptance of the said words, to wit, "Soluble Pine Compound," and "Soluble Pine Oil," the article was represented to consist entirely of a substance or substances obtained and produced from pine trees, together with soluble agents; whereas, in fact and in truth, the article did not consist entirely of a substance or substances obtained and produced from pine trees, together with soluble agents, but another substance, to wit, mineral oil, had been substituted in part for the said article.

Misbranding of the article was alleged in that the words, to wit, "Soluble Pine Compound," in the label borne on the said drum, were false and misleading, and by reason of the said words the article was labeled and branded so as to deceive and mislead the purchaser in that the said words represented that the article was composed entirely of a substance or substances obtained and produced from pine trees, together with soluble agents; whereas, in fact and in truth, the article was not composed entirely of a substance or substances obtained and produced from pine trees, together with soluble agents, but the article was composed of mineral oil, pine oil, soap, and water.

Misbranding of the article was alleged further in that the words, to wit, "Soluble Pine Compound," in the label borne on the said drum, and in that the words, to wit, "Soluble Pine Oil," borne on the invoice transmitted to the purchaser on March 9, 1921, by the said Chemical Supply Company, are commonly and generally understood and accepted to mean and to apply to a mixture consisting entirely of oils obtained and produced from pine trees, together with soluble agents, and by reason of the said words and the said common and general understanding and acceptance of the words, to wit, "Soluble Pine Compound" and "Soluble Pine Oil," the article was represented to consist entirely of a mixture of oils obtained and produced from pine trees, together with soluble agents; whereas, in fact and in truth, the article was not a soluble pine compound or a soluble pine oil, but it was a mixture of oils obtained and produced from pine trees, together with soluble agents, and mineral oil, and by reason of the said words borne on the said label and the said words borne on the said invoice, and by reason of the composition aforesaid of the article aforesaid the article was an imitation and was offered for sale and was sold under the name of another article, to wit, "Soluble Pine Compound" and "Soluble Pine Oil."

On July 11, 1922, no claimant for the goods having appeared, the court found the goods adulterated and misbranded, and it was ordered and decreed that they be condemned, forfeited, and confiscated to the United States, and the United States marshal was ordered to dispose of the product by private or public sale, or to destroy the product in event of his failure to sell the same.

C. W. PUGSLEY,

Acting Secretary of Agriculture.

832. Adulteration and misbranding of "Cloro-Modo Disinfectant." U. S. v. 6 Drums of "Cloro-Modo Disinfectant." Default decree of condemnation and forfeiture. (I. & F. No. 1080. S. No. 123.)

On August 24, 1921, the United States attorney for the District of Colorado, acting on a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of six drums of "Cloro-Modo Disinfectant." It was alleged in the libel that the article had been shipped on or about July 6, 1921, by the Chemical Supply Co., Cleveland, Ohio, from the State of Ohio into the State of Colorado, and that having been so transported it remained unsold and in the original unbroken packages at Denver, Colo., and that it was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

Adulteration of the article was alleged in the libel in that the words and statement, to wit, "Cloro-Modo Disinfectant. Inert matter 10% water," in the label borne on the drums containing the article, did purport and profess that the standard and quality of the article were such that the article did contain inert matter or substances, to wit, water, that is to say, substances that do not prevent, destroy, repel, or mitigate fungi, to wit, pathogenic and putrefactive bacteria, in a proportion of not more than 10 per centum; whereas the strength and purity of the article did fall below the professed standard and quality under which it was sold in that, in fact and in truth, the article did contain inert matter or substances, that is to say, substances that do not prevent, destroy, repel, or mitigate fungi, to wit, pathogenic and putrefactive bacteria, in a proportion much greater than 10 per centum.

Misbranding of the article was alleged in that it did consist partially of inert substances or ingredients, to wit, water and mineral oil, which said inert substances do not prevent, destroy, repel, or mitigate fungi, to wit, pathogenic and putrefactive bacteria, and the names and percentage amounts of each and every one of the said inert substances or ingredients so present in the article were not stated plainly and correctly on each or any label borne on or affixed to each or any of the drums containing the article; nor, in lieu of the names and percentage amounts of the said inert substances or ingredients, were the names and percentage amounts of each and every ingredient of the article having fungicidal properties, and the total percentage of the said inert substances or ingredients so present in the article, stated plainly and correctly on each or any label borne on or affixed to each or any of the drums containing the article.

On July 11, 1922, no claimant of the goods having appeared, the court found that the product was adulterated and misbranded, and it was ordered and decreed that the product be condemned, forfeited, and confiscated to the United States, and that the United States marshal dispose of the same at private or public sale, but, if the product be not so sold, that he then proceed to destroy the same.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

S33. Misbranding of "Mange Remedy." U. S. v. Samuel A. Bradley (Dr. S. A. Bradley's Remedies). Plea of guilty. Fine, \$50. (I. & F. No. 1087. Dom. No. 15707.)

On December 1, 1921, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Samuel A. Bradley, trading under the name and style of Dr. S. A. Bradley's Remedies, Louisville, Ky., alleging the shipment by defendant on or about October 18, 1920, of a quantity of "Mange Remedy," which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

Misbranding of the article was alleged in the information in that the statement, to wit, "8 ozs." borne on the labels affixed to the outside of the bottles containing the article, represented that the contents of each of the bottles were, in terms of measure, eight ounces of the article; whereas, the contents of each of the said bottles were not correctly stated on the outside of the bottles containing the article in that, in fact and in truth, the contents of each of said bottles were, in terms of measure, less than eight ounces of the article.

Misbranding of the article was alleged further in that the statements, to wit, "Mange Remedy * * * It produces a plentiful lather and is a positive remedy for Mange and Skin Affections * * * Human Head—Dampen the hair then apply the soap; rub well with the hands and fingers 3 or 4 minutes then wash off and dry hair. In bad cases of skin irritation or dandruff leave soap on all night; wash off in the morning," borne on the labels affixed to the said bottles, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser in that the said statements represented and professed that the article would be effective in the treatment of all types and varieties of mange; and that the article would, when used as directed, be a positive remedy for all types and varieties of mange and skin affections; and that the article, when used as directed, would be effective in the treatment of all skin irritations; whereas, in fact and in truth, the article would not be effective in the treatment of all types and varieties of mange; and the article would not, when used as directed, be a positive remedy for all types and varieties of mange and skin affections;

nor would the article, when used as directed, be effective in the treatment of all skin irritations.

Misbranding of the article was alleged further in that it did consist partially of inert substances, to wit, water and sodium sulphate, that is to say, substances that do not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of each and every one of the said inert substances, or ingredients, so present in the article, were not stated plainly on each or any label affixed to each or any of the bottles containing the article; nor, in lieu of the names and percentage amounts of the said inert substances or ingredients, were the names and percentage amounts of each and every substance or ingredient of the article having insecticidal properties, and the total percentage of the said inert substances or ingredients so present in the article, stated plainly and correctly on each or any label affixed to each or any of the bottles containing the article.

On March 16, 1922, a plea of guilty to the information having been entered by the defendant, the court imposed a fine of \$50.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

S34. Adulteration and misbranding of "Wander's Chlorinated Lime," U. S. v. 403 Cans of "Wander's Chlorinated Lime." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 1096. S. No. 136.)

On October 24, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 403 cans of Wander's Chlorinated Lime, consisting of 394 2-ounce cans and 9 12-ounce cans. It was alleged in the libel that the article contained in the 2-ounce cans was shipped on or about September 13, 1921, and that the article contained in the 12-ounce cans was shipped on or about August 2, 1921, by S. Wander & Sons Chemical Company Inc., Albany, N. Y., from the State of New York into the Commonwealth of Massachusetts, and that having been so transported, it remained unsold at Boston, Mass., and that it was an adulterated and misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

Adulteration of the article contained in both the 2-ounce and 12-ounce cans was alleged in the libel in that the statements, to wit, "Available Chlorine 30% Inert Ingredient 70%," borne on the labels affixed to the cans containing the article, purported and professed that the standard and quality of the article were such that it did contain available chlorine in the proportion of not less than 30 per centum, and that it did contain inert ingredients, that is to say, substances that do not prevent, destroy, repel, or mitigate insects or fungi, in a proportion of not more than 70 per centum; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold in that, in fact and in truth, the article did contain available chlorine in a proportion less than 30 per centum and did contain inert ingredients in a proportion greater than 70 per centum.

Misbranding of the article contained in both the 2-ounce and 12-ounce cans was alleged in that the statements quoted above, borne on the labels affixed to the said cans, were false and misleading, and by reason of said statements the article was labeled and branded so as to receive and mislead the purchaser in that the statements represented and professed that the article did contain available chlorine in the proportion of not less than 30 per centum and that it did contain inert ingredients, that is to say, substances that do not prevent, destroy, repel, or mitigate insects or fungi, in a proportion of not more than 70 per centum; whereas, in fact and in truth, the article did contain available chlorine in a proportion less than 30 per centum, and it did contain inert ingredients in a proportion greater than 70 per centum.

Misbranding of the article contained in both the 2-ounce and 12-ounce cans was alleged further in that the statement, to wit, "For deodorizing and disinfecting indoor closets, outside vaults, garbage receptacles, stable manure and decaying and animal vegetable matter of all sorts, sprinkle Wander's Chlorinated Lime on lightly," borne on the labels affixed to the said cans, was false and misleading, and by reason of the said statement the article was labeled and branded so as to deceive and mislead the purchaser in that the said statement purported and represented that the article, when sprinkled lightly in indoor closets, outside vaults, and garbage receptacles, and upon stable manure

and decaying animal and vegetable matter of all sorts, would deodorize and disinfect such places and things; whereas, in fact and in truth, the article, when sprinkled lightly in indoor closets, outside vaults, and garbage receptacles, and upon stable manure and decaying animal and vegetable matter of all sorts, would not deodorize and disinfect such places and things.

Misbranding of the article contained in the said 12-ounce cans was alleged in that the statements, to wit, "For purifying vaults, water closets, cesspools, drains, cellars, etc. * * *" "The use of WANDER'S Chlorinated Lime sprinkled dry in outdoor vaults, on piles of stable manure, in garbage receptacles, or on decomposing animal or vegetable matter of all kinds, will not only destroy any germs of disease that may be present, but will prevent such matter from attracting flies, and effectually preventing their breeding therein," borne on the labels affixed to the said cans, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser in that the statements purported and represented that the article would purify vaults, water closets, cesspools, drains, cellars, etc., and that the article, when sprinkled dry in outdoor vaults, on piles of stable manure, in garbage receptacles, or on decomposing animal or vegetable matter of all kinds, would destroy all germs of disease that may be present therein; whereas, in fact and in truth, the article would not purify vaults, water closets, cesspools, drains, cellars, etc., nor would the article, when sprinkled dry in outdoor vaults, on piles of stable manure, in garbage receptacles, or on decomposing animal or vegetable matter of all kinds, destroy all germs of disease that may be present therein.

On May 16, 1922, no claimant having appeared for the goods, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the goods be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

835. Misbranding of "Black Disinfectant." U. S. v. Missouri-Kansas Chemical Corporation. No defenses interposed. Fine, \$10 and costs. (I. & F. No. 1102. Dom. No. 16658.)

On January 16, 1922, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Missouri-Kansas Chemical Corporation, Kansas City, Mo., alleging the shipment by the defendant, on or about June 1, 1921, from the State of Missouri into the State of Nebraska, of a quantity of "Black Disinfectant," which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

Misbranding of the article was alleged in the information in that the statement, to wit, "Manufactured by Missouri-Kansas Chemical Co.," borne on the label affixed to the can containing the article, was false and misleading, and by reason of said statement the article was labeled and branded so as to deceive and mislead the purchaser in that the said statement represented that the article had been manufactured by the Missouri-Kansas Chemical Company; whereas, in fact and in truth, the article had not been manufactured by the Missouri-Kansas Chemical Company.

Misbranding of the article was alleged further in that it did consist partially of an inert substance, to wit, water, which said inert substance does not prevent, destroy, repel, or mitigate fungi, and the name and the percentage amount of the said inert substance so present in the said article were not stated plainly and correctly, or at all, on any label borne on or affixed to the can containing the article; nor, in lieu of the name and the percentage amount of the said inert substance, were the names and percentage amounts of each and every substance or ingredient of the said article having fungicidal properties, and the total percentage of the said inert substance so present in the article, stated plainly and correctly, or at all, on any label borne on or affixed to the can containing the article, or on any label borne on or affixed to the cartons inclosing the said can.

On May 31, 1922, no defense having been interposed, the court imposed a fine of \$10 and costs.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

S36. Misbranding of "Fly Relief," U. S. v. John M. Baptiste and Mary S. Baptiste (United Chemical Companies). Nolle prosequi as to count 1 and plea of guilty as to count 2. Fine, \$20 and costs. (1. & F. No. 1103. Dom. No. 16677.)

On January 16, 1922, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John M. Baptiste and Mary S. Baptiste, trading under the name and style of the United Chemical Companies, Kansas City, Mo., alleging the shipment by defendants on or about June 14, 1921, from the State of Missouri into the State of Nebraska, of a quantity of "Fly Relief," which was misbranded insecticide, within the meaning of the Insecticide Act of 1910.

Misbranding of the article was alleged in count 2 of the information in that the article did consist partially of an inert substance, to wit, water, which said inert substance does not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of the said inert substance so present in the article were not stated plainly and correctly, or at all, on each or any label affixed to each or any of the cans containing the article; nor, in lieu of the name and percentage amount of the said inert substance, were the names and percentage amounts of each and every substance or ingredient of the article having insecticidal properties, and the total percentage of the said inert substance so present in the article, stated plainly and correctly, or at all, on each or any label affixed to each or any of the cans containing the article.

On June 8, 1922, nolle prosequi having been entered as to count 1, and a plea of guilty having been entered as to count 2, the court imposed a fine of \$20 and costs.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

S37. Adulteration and misbranding of "Soluble Pine Oil Disinfectant." U. S. v. 1 Barrel of "Soluble Pine Oil Disinfectant Compound." Default decree of condemnation, forfeiture, and destruction. (1. & F. No. 1108. S. No. 139.)

On November 14, 1921, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of one barrel of "Soluble Pine Oil Disinfectant Compound." It was alleged in the libel that the article had been shipped on or about September 21, 1921, by The Britton T. & S. P. Day Company, Cleveland, Ohio, from the State of Ohio into the State of Missouri, and that having been so transported, it remained unsold at St. Louis, Mo., and that it was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

Adulteration of the article was alleged in the libel in that the words, to wit, "Inert Matter Water not to exceed 8%," in the label borne on the barrel containing the article, purported and professed that the standard and quality of the article were such that the article did contain inert matter, that is to say, substances that do not prevent, destroy, repel, or mitigate fungi, to wit, pathogenic and putrefactive bacteria, in a proportion of not more than eight per centum; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold in that, in fact and in truth, the article did contain inert matter or substances in a proportion much greater than 8 per centum.

Adulteration of the article was alleged further in that the words relating to the article, to wit, "Soluble Pine Oil Disinfectant," borne on the invoice transmitted by the said The Britton T. & S. P. Day Company to the purchaser of the article, purported and professed and are commonly and generally understood and accepted to mean and to apply to a substance or substances obtained and produced from pine trees, together with soluble agents, and by reason of the said common and general understanding and acceptance of the said words, the article was represented to consist entirely of a substance or substances obtained and produced from pine trees, together with soluble agents; whereas, in fact and in truth, the article did not consist entirely of a substance or substances obtained and produced from pine trees, together with soluble agents, but another substance, to wit, mineral oil, had been substituted in part for the said soluble pine oil disinfectant.

Misbranding of the article was alleged in the libel, in that the words relating to the article, to wit, "Soluble Pine Oil Disinfectant," borne on the invoice transmitted by the said The Britton T. & S. P. Day Company to the purchaser of the article, are commonly and generally understood and accepted to mean and

to apply to a mixture consisting entirely of a substance or substances obtained and produced from pine trees, together with soluble agents, and by reason of the said words and the said common and general understanding and acceptance of said words, the article was represented to consist entirely of a substance or substances obtained and produced from pine trees, together with soluble agents; whereas, in fact and in truth, the article was not a soluble pine oil disinfectant, but was a mixture of a substance or substances obtained and produced from pine trees, together with soluble agents, and mineral oil, and by reason of the said words borne on the said invoice, and by reason of the composition aforesaid of the article, the article was an imitation of and was offered for sale and was sold under the name of another article, to wit, "Soluble Pine Oil Disinfectant."

Misbranding of the article was alleged further in that it did consist partially of inert substances, to wit, water and mineral oil, which said inert substances do not prevent, destroy, repel, or mitigate fungi, to wit, pathogenic and putrefactive bacteria, and the names and percentage amounts of each and every one of the said inert substances so present in the article were not stated plainly and correctly on any label borne on or affixed to the barrel containing the article; nor, in lieu of the names and percentage amounts of the said inert substances or ingredients, were the names and percentage amounts of each and every ingredient of the article having fungicidal properties, and the total percentage of the said inert substances or ingredients so present in the article, stated plainly and correctly on any label borne on or affixed to the barrel containing the article.

On April 27, 1922, no claimant having appeared for the goods, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the goods be destroyed by the United States marshal.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

838. Misbranding of "Skiddoo Fly Chaser." U. S. v. United States Refining Company. Plea of guilty. Fine, \$25 and costs. (I. & F. No. 1112. Dom. No. 16436.)

On January 21, 1922, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the United States Refining Company, a corporation, Cleveland, Ohio, alleging the shipment by defendant on or about June 17, 1921, of a quantity of "Skiddoo Fly Chaser," which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

Misbranding of the article was alleged in the information in that the article did consist partially of an inert substance, to wit, water, which said inert substance does not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of the said inert substance so present in the article were not stated plainly and correctly, or at all, on each or any label borne on or affixed to each or any of the cans containing the article; nor, in lieu of the name and percentage amount of the said inert substance, were the names and percentage amounts of each and every substance or ingredient of the article having insecticidal properties, and the total percentage of the said inert substance so present in the article, stated plainly and correctly, or at all, on each or any label borne on or affixed to each or any of the cans containing the article.

On March 22, 1922, a plea of guilty to the information having been entered on behalf of the defendant, the court imposed a fine of \$25 and costs.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

839. Adulteration of "Puro Pine Disinfectant." U. S. v. John M. Baptiste and Mary S. Baptiste (United Chemical Companies). Plea of guilty as to count 1 and nolle prosequi as to counts 2, 3, 4, 5, and 6. Fine, \$20 and costs. (I. & F. No. 1124. Dom. No. 16672.)

On April 19, 1922, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John M. Baptiste and Mary S. Baptiste, trading under the name and style of the United Chemical Companies, Kansas City, Mo., alleging the shipment by defendants on or about June 14, 1921, from the State of Missouri into the State of Nebraska, of a quantity of "Puro Pine Disinfectant," which was an adulterated fungicide within the meaning of the Insecticide Act of 1910.

Adulteration of the article was alleged in count 1 of the information in that the statement, to wit, "Inert Matter, Water 18%," borne on the labels affixed to the cans containing the article, represented and professed that the standard and quality of the article were such that it did contain inert matter, that is to say, substances that do not prevent, destroy, repel, or mitigate fungi, to wit, bacteria, in the proportion of not more than 18 per centum; whereas the strength and purity of the article did fall below the professed standard and quality under which it was sold in that, in fact and in truth, the article did contain inert matter, that is to say, substances that do not prevent, destroy, repel, or mitigate fungi, to wit, bacteria, in a proportion greater than 18 per centum.

On June 8, 1922, nolle prosequi having been entered as to counts 2, 3, 4, 5 and 6, and defendants having entered a plea of guilty to the charges contained in count 1, the court imposed a fine of \$20 and costs.

C. W. PUGSLEY,

Acting Secretary of Agriculture.

840. Misbranding of "North Star Fly-Chaser." U. S. v. North Star Chemical Works, Inc. Plea of nolo contendere. Fine, \$15. (I. & F. No. 1129. Dom. No. 16487.)

On April 29, 1922, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the North Star Chemical Works, Inc., Lawrence, Mass., alleging the shipment by the defendant on or about July 13 and August 2, 1920, from the Commonwealth of Massachusetts into the State of Pennsylvania, of a quantity of "North Star Fly-Chaser," which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

Misbranding of the article was alleged in the information in that the statements, to wit, "North Star Fly-Chaser keeps * * * Insects Away From Cattle Horses Pigs Poultry Dogs * * * Fly-Chaser * * * Is different from all other preparations for keeping animals free from * * * Insects," borne on the labels affixed to the cans containing the article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser in that said statements purported and represented that the article, when used as directed, would keep all types and varieties of insects away from cattle, horses, pigs, poultry, and dogs, and would keep animals free from all types and varieties of insects; whereas, in fact and in truth, the article, when used as directed, would not keep all types and varieties of insects away from cattle, horses, pigs, poultry, and dogs, and would not keep animals free from all types and varieties of insects.

Misbranding of the article was alleged further in that the statements, to wit, "FLY-CHASER * * * It banishes Flies * * * from the Poultry House * * * FOR PREVENTING FLIES—Spray Fly-Chaser over all Breeding Places of Flies and hasten their extermination," borne on the labels affixed to the said cans, were false and misleading, and by reason of said statements the article was labeled and branded so as to deceive and mislead the purchaser in that said statements represented and professed that the article, when used as directed, would banish all flies from the poultry house and would exterminate flies; whereas, in fact and in truth, the article, when used as directed, would not banish all flies from the poultry house and would not exterminate flies.

Misbranding of the article was alleged further in that it did consist partially of an inert substance, to wit, water, which said inert substance does not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of the said inert substance or ingredient so present in the said article, were not stated plainly and correctly, or at all, on each or any label borne on or affixed to each or any of the cans containing the article; nor, in lieu of the name and percentage amount of the said inert substance or ingredient, were the names and percentage amounts of each and every ingredient of the said article having insecticidal properties, and the total percentage of the inert substances or ingredients so present in the said article, stated plainly and correctly, or at all, on each or any label borne on or affixed to each or any of the cans containing the article.

On May 19, 1922, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$15.

C. W. PUGSLEY,

Acting Secretary of Agriculture.

841. Misbranding of "Dr. A. C. Daniels' Liquid Flea Drive." U. S. * * * v. Dr. A. C. Daniels, Inc. Plea of nolo contendere. Fine, \$25. (I. & F. No. 746. Dom. No. 13745.)

On October 20, 1919, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Dr. A. C. Daniels, Inc., a corporation, Boston, Mass., alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about August 18, 1917, from the State of Massachusetts into the State of California, of a quantity of "Dr. A. C. Daniels' Liquid Flea Drive," which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that certain statements, designs, and devices, to wit, "Dr. A. C. Daniels' Liquid Flea Drive * * * Dog or cat Use to Drive Off Fleas and Lice. * * *

"Dr. A. C. Daniels' Liquid Flea Drive For Cats—For Kittens * * * A Liquid For Cats' Comfort To keep the Cat and Kitten free from Fleas and Lice, if properly used. Directions:—Mix five drops of Flea Drive into a saucer of water, dip a comb into the mixture and thoroughly comb the coat, using care not to scratch the skin. Repeat as often as required," borne and printed on each of the labels affixed to each of the packages or cartons containing the said article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser in that they represented that the said article, when used and applied in the method and manner as directed by said statements, would drive off fleas and lice from dogs, cats, and kittens; whereas, in truth and in fact, it would not.

On December 29, 1922, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

842. Adulteration and misbranding of "Kilsants." U. S. * * * v. Brunswick Drug Co. Plea of guilty. Fine, \$300. (I. & F. No. 809. Dom. No. 14090.)

On April 5, 1920, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against the Brunswick Drug Company, a corporation, Los Angeles, Calif., alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about June 19, 1918, from the State of California into the State of Arizona, of a quantity of "Kilsants Ant Exterminator," which was an adulterated and misbranded insecticide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that the statement borne and printed on each of the labels affixed to each of the bottles and cartons containing the said article, to wit, "Kilsants Contains 11 Per Cent Arsenic Trioxide," purported and professed that the standard and quality of the said article were such that it contained and consisted of arsenic trioxide in the proportion of 11 per centum, whereas the strength and purity of the said article fell below the said professed standard and quality in that it contained arsenic trioxide in a proportion less than 11 per centum.

Misbranding was alleged for the reason that the statements appearing on the labels of the said cartons, to wit, "Kilsants Contains 11 per cent Arsenic Trioxide, equivalent to 8.6 per cent. Metallic Arsenic in water soluble form," were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser in that they represented that the article contained arsenic trioxide in the proportion of 11 per centum, and that it contained arsenic equivalent to metallic arsenic in the proportion of 8.6 per centum; whereas, in fact and in truth, the said article contained arsenic trioxide in a proportion less than 11 per centum, and contained arsenic equivalent to metallic arsenic in a proportion less than 8.6 per centum.

Misbranding was alleged for the further reason that the article consisted of inert substances, to wit, substances other than arsenious oxide, which said inert substances and ingredients did not and do not prevent, destroy, repel, or mitigate insects, and the names and percentage amounts of the said inert ingredients so present therein were not stated plainly and correctly, or at all, on each or any label affixed to each or any of the said cartons or bottles

containing the said article, nor, in lieu thereof, were the names and percentage amounts of each and every one of the ingredients of the article having insecticidal properties, and the total percentage of the said inert ingredients so present therein, stated plainly and correctly, or at all, on each or any of the said cartons or bottles.

On October 9, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$300.

C. W. PUGSLEY,

Acting Secretary of Agriculture.

S43. Adulteration and misbranding of "Edgerton's Poultry Tonic." U. S. v. Edgerton's Salt Brick Company. Plea of guilty. Fine, \$100. (I. & F. No. 1003. Dom. No. 14555.)

On March 26, 1921, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Edgerton Salt Brick Company, a corporation, having a place of business at Atlanta, Ga., alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about August 3, 1918, from the State of Georgia into the State of Missouri, of a quantity of "Edgerton's Poultry Tonic," which was an adulterated and misbranded insecticide, other than Paris green and lead arsenate, within the meaning of said act of Congress.

Adulteration of the article was alleged in the information in that the statements regarding the article, to wit, "Edgerton's Poultry Tonic * * * It contains one hundred per cent drugs. No filler used," borne on the labels affixed to the cartons containing the article, purported and professed that the standard and quality of the article were such that it did consist entirely of drugs, and that the article did not contain any filler; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold in that, in fact and in truth, the article did not consist entirely of drugs, and the article did contain a filler.

Adulteration of the article was alleged further in that a substance, to wit, powdered impure dolomitic limestone, had been substituted in part for the article.

Misbranding of the article was alleged in that the statements regarding the article, to wit, "EDGERTON'S POULTRY TONIC * * * It contains one hundred per cent drugs. No filler used. * * * This package contains lime, ginger, copperas, salt (small amount) * * * Makes them lay eggs. Keeps them healthy * * * These powders make Hens Lay and keep all kinds of poultry in a healthy condition and cures most diseases Poultry are subject to" borne on the labels affixed to the said cartons, were false and misleading, and by reason of said statements the article was labeled and branded so as to deceive and mislead the purchaser in that said statements represented that the article did consist entirely of drugs, that the article did not contain a filler, and that the article did contain lime, pepper, nux vomica, and ginger; that the article, when used as directed, would be effective in making poultry lay eggs, would keep poultry healthy, would make hens lay, and would cure most diseases to which poultry are subject; whereas, in fact and in truth, the article did not consist entirely of drugs, did contain a filler, that is to say, a substance other than drugs and other than the substances and ingredients whose names were borne and printed on each of the said labels, and the article did not contain lime, and did not contain pepper, nux vomica, and ginger in appreciable quantities; and the article, when used as directed, would not be effective in making poultry lay eggs, would not keep poultry healthy, would not make hens lay, and would not cure most diseases to which poultry are subject.

Misbranding the article was alleged further in that it did consist partially of inert substances, to wit, substances other than sulphur, which said inert substances do not prevent, destroy, repel, or mitigate insects, and the names and percentage amounts of each and every one of the said inert substances or ingredients so present in the article were not stated plainly and correctly on each or any label affixed to each or any of the said cartons; nor, in lieu of the names and percentage amounts of each and every one of the said inert substances or ingredients so present in the said article, were the names and percentage amounts of each and every substance or ingredient having insecticidal properties, and the total percentage of the inert substances or ingredients so present in the article, stated plainly and correctly on each or any label affixed to each or any of the said cartons.

On October 3, 1922, a plea of guilty to the charges contained in the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

S44. Misbranding of "American Disinfectant Dip." U. S. * * * v. American Live Stock Powder Co. Plea of guilty. Fine, \$25 and costs.
(I. & F. No. 1024. Dom. No. 15940.)

On June 23, 1921, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the American Live Stock Powder Company, a corporation, Shenandoah, Iowa, alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about November 1, 1920, from the State of Iowa into the State of Nebraska, of a quantity of "American Disinfectant Dip," which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statements regarding the said article, to wit, "Hogs—Kills lice, mange, and skin diseases. Prevents cholera * * *. Cattle—Kills * * * ticks, mange, grubs, maggots, * * * sore teats and stable odors * * *. Sheep—Cures * * * foot rot * * * maggots * * *. Heals * * * sores, * * *. Directions for Hogs, sheep and cattle * * *. For * * * ticks. * * *. For curing mange and scab * * *. To insure a cure, a second dipping is necessary, about thirteen days after the first dipping," borne on the label affixed to the can containing the article were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser in that they represented that the article, when used as directed, would be effective against all types and varieties of mange and skin diseases on hogs, would prevent hog cholera, would be effective against all types and varieties of ticks, mange, grubs, and maggots that infest or attack cattle, would be effective against all types and varieties of sore teats on cows, would kill all stable odors in cow stables, would cure foot rot and would heal all types and varieties of sores on sheep, would kill all types and varieties of maggots that infest or attack sheep, would be effective against all types and varieties of ticks and mange on hogs and cattle, would cure all types and varieties of scab on hogs and cattle, and that when given a second dipping about thirteen days after the first dipping, a cure of all types and varieties of mange and scab on hogs and cattle would be assured and certain; whereas, in fact and in truth, the said article, when used as directed, would not be effective against all types and varieties of mange and skin diseases on hogs, would not prevent hog cholera, would not be effective against all types and varieties of ticks, mange, grubs, and maggots that infest or attack cattle, would not be effective against all types and varieties of sore teats on cows, would not kill all stable odors in cow stables, would not cure foot rot, would not heal all types and varieties of sores on sheep, would not kill all types and varieties of maggots that infest or attack sheep, would not be effective against all types and varieties of ticks and mange on hogs and cattle, would not cure all types and varieties of scab on hogs and cattle, and when given a second dipping about thirteen days after the first dipping, the cure of all types and varieties of mange and scab on hogs and cattle would not be assured and certain.

On September 20, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

S45. Misbranding of "American Powdered Dip." U. S. * * * v. American Live Stock Powder Co. Plea of guilty. Fine, \$25 and costs.
(I. & F. No. 1043. Dom. No. 15939.)

On July 8, 1921, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the American Live Stock Powder Company, a corporation, Shenandoah, Iowa, alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about November 1, 1920, from the State of Iowa into the State of Nebraska,

of a quantity of "American Powdered Dip," which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statement regarding the said article, to wit, "American Powdered Dip," borne on the label affixed to the pail containing the article, was false and misleading, and by reason of the said statement the article was labeled so as to deceive and mislead the purchaser in that the said statement represented that the article was a product belonging to the class of substances or products known as "dips," whereas, in fact and in truth, it was not a product belonging to the class of substances or products known as "dips."

Misbranding was alleged for the further reason that the article consisted partially of inert substances or ingredients, that is to say, substances or ingredients that do not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of each and every one of the said inert substances or ingredients so present therein were not stated plainly and correctly, or at all, on the label affixed to the pail containing the article, nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having insecticidal properties, and the total percentage of the said inert substances or ingredients so present in the said article, stated plainly and correctly, or at all on the said label.

On September 20, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

846. Adulteration and misbranding of "Zenkes Liquid Fungicide." U. S. * * * v. Harry S. Cook and Theodore T. Woolens (Excell Company Laboratories) and U. S. * * * v. The Excell Laboratories, a corporation. Pleas of guilty. Fines, \$50. (I. & F. Nos. 1052, 1053. Dom. Nos. 14488, 15037.)

On January 14, 1922, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against Harry S. Cook and Theodore T. Woolens, trading as the Excell Company Laboratories, Chicago, Ill., and The Excell Laboratories, a corporation, Chicago, Ill., alleging shipment by said defendants and by said company, in violation of the Insecticide Act of 1910, on or about March 18, 1919, and February 18, 1920, respectively, from the State of Illinois into the States of Missouri and Texas, respectively, of quantities of "Zenkes Liquid Fungicide," which was an adulterated and misbranded fungicide within the meaning of said act.

Adulteration of the article was alleged in the informations for the reason that it was intended for use on vegetation, to wit, peach, plum, and apple trees, and the said article contained a substance or substances which, when used upon and applied to such vegetation, would be injurious thereto.

Misbranding was alleged for the reason that the statements regarding the article, to wit, "Active Ingredients or Active Material; Copper Carbonate 3.50%. Ammonia Carbonate 16.81%. Inert Ingredients or Inert Material (water): 79.69%," borne on each of the labels affixed to each of the cans containing the article involved in both consignments, and the statements, to wit, "Zenke's Liquid Fungicide Poison A remedy for preventing fungoid diseases on plants such as: leaf spot, leaf rust, scab, mildew, black and brown rot and others," borne on the labels affixed to the cans containing the article involved in one of the said consignments, together with substantially the same statements borne on the labels affixed to the cans containing the article involved in the remaining consignment, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser in that they represented that the said ammonia carbonate was and is an active ingredient or substance, that is to say, a substance that does prevent, destroy, repel, or mitigate fungi on plants, trees, and vines, that the said article contained inert ingredients, that is to say, substances that do not prevent, destroy, repel, or mitigate fungi on plants, trees, and vines, in the proportion of not more than 79.69 per centum, and that the said article could be safely and effectively used for the control of any and all fungoid diseases of any and all plants, and for the control of any and all leaf spots, leaf rusts, scabs, mildews, black and brown rots, and other diseases occurring on any plants whatsoever, whereas, in fact and in truth, ammonia carbonate was not and is not an active ingredient or substance, that is to say, a substance that

does prevent, destroy, repeal, or mitigate fungi on plants, trees, and vines, the said article did contain inert ingredients, that is to say, substances that do not prevent, destroy, repeal, or mitigate fungi on plants, trees, and vines, in a proportion greater than 79.69 per centum, and the said article would not control all fungoid diseases or all leaf spots or leaf rusts occurring on all plants, and if so used to control certain leaf spots, rusts, scabs, mildews, black and brown rots on certain plants, to wit, apple trees, peach trees, and plum trees, it would cause serious injury to such plants.

Misbranding was alleged for the further reason that the article consisted partially of inert substances, to wit, substances other than copper in combination or combinations thereof, which said inert substances do not prevent, destroy, repel, or mitigate fungi on plants, trees, and vines, and the names and percentage amounts of each and every one of the inert substances or ingredients so present therein were not stated correctly on the label affixed to the cans containing the said article, nor in lieu thereof were the names and percentage amounts of each and every substance or ingredient of the said article having fungicidal properties, and the total percentage of the said inert substances or ingredients so present therein stated correctly on the labels affixed to the said cans.

On October 13, 1922, pleas of guilty to the informations were entered on behalf of the defendants, and the court imposed fines in the aggregate sum of \$50.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

847. Misbranding of "Webb's Texas Stock Powder." U. S. v. Morris and Dickson Company, Ltd. Plea of guilty. Fine, \$50. (I. & F. No. 1098. Dom. No. 14914.)

On December 22, 1921, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Morris & Dickson Company, Ltd., a corporation, Shreveport, La., alleging the shipment by said company, in violation of the Insecticide Act of 1910, on or about April 3, 1919, from the State of Louisiana into the State of Tennessee, of a quantity of "Webb's Texas Stock Powder," which was a misbranded insecticide other than Paris green and lead arsenate, within the meaning of the said act.

Misbranding of the article was alleged in the information in that the statements regarding the article, to wit, "A Medicine for bots * * * in horses and mules * * *. Directions—Give one large tablespoonful of the powder in four tablespoonful of Turpentine and half pint of water. If not relieved * * * repeat the dose * * * without the Turpentine, for Bots * * *," in the labels borne on the cartons inclosing the bottles containing the article, and in that the statements regarding the article, to wit, "Use the treatment of Bots * * * in horses and mules * * *. Directions—Give one large tablespoonful of the powder in four tablespoonful of Turpentine and half pint of water. If not relieved * * * repeat the dose * * * without the Turpentine, for Bots * * *," borne on the labels affixed to the said bottles, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser in that the said statements purported and represented that the article, when used as directed, would be effective in the treatment of all conditions indicated by the term "Bots" in horses and mules; whereas, in fact and in truth, the article, when used as directed, would not be effective in the treatment of all conditions indicated by the term "Bots" in horses and mules.

Misbranding of the article was alleged further in that the statements regarding the article, to wit, "A Medicine for * * * Colic, Blind Staggers, Epizootic, Distemper * * * in Horses and Mules. * * * Directions—Give one large tablespoonful of the Powder in four tablespoonsful of Turpentine and half pint of water. If not relieved * * * repeat the dose * * * without the Turpentine, for * * * Colic and Blind Staggers. For other diseases, give half the quantity of each and repeat if necessary. As a * * * preventive, give one tablespoonful every other day," in the labels on the cartons inclosing the bottles containing the article, and in that the statements regarding the article, to wit, "Used in the treatment of * * * Colic, Blind Staggers, Epizootic, Distemper * * * in Horses and Mules. * * * Directions—Give one large tablespoonful of the powder in four tablespoonsful of Turpen-

tine and half pint of water. If not relieved * * * repeat the dose * * * without the Turpentine, for * * * Colic and Blind Staggers. For other diseases, give half the quantity of each and repeat if necessary. As a * * * preventive, give one tablespoonful every other day," borne on the labels affixed to the said bottles, were false and misleading, and by reason of said statements the article was labeled and branded so as to deceive and mislead the purchaser in that the said statements purported and represented that the article, when used as directed, would be effective in the treatment of all types and varieties of colic and blind staggers in horses and mules, would be effective in the treatment of all conditions indicated by the term "Epizootic" in horses and mules, would be effective in the treatment of distemper in horses and mules, would be effective in the treatment of all diseases of horses and mules other than bots, colic, and blind staggers, and would act as a preventive of all diseases of horses and mules; whereas, in fact and in truth, the article, when used as directed, would not be effective in the treatment of all types and varieties of colic and blind staggers in horses and mules, would not be effective in the treatment of all conditions indicated by the term "epizootic" in horses and mules, would not be effective in the treatment of distemper in horses and mules, would not be effective in the treatment of all diseases of horses and mules other than bots, colic, and blind staggers, nor would the article act as a preventive of all diseases of horses and mules.

Misbranding of the article was alleged further in that the article did consist completely of inert substances, that is to say, substances that do not prevent, destroy, repel, or mitigate bots, and the names and percentage amounts of each of the said inert substances or ingredients so present in the article were not stated plainly and correctly on each or any label affixed to each or any of said bottles, or to each or any of the cartons containing the said bottles.

On April 14, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY,

Acting Secretary of Agriculture.

848. Misbranding of "Zenkes Compound Plant Insecticide." U. S. * * * v. The Excell Laboratories. Plea of guilty. Fine, \$25 (I. & F. No. 1105. Dom. No. 15636.)

On January 25, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Excell Laboratories, a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about February 18, 1920, from the State of Illinois into the State of Texas, of a quantity of "Zenkes Compound Plant Insecticide," which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statements regarding the said article, to wit, "A powerful liquid contact insecticide, embodying the most effective elements for a thorough eradication of such insects as white fly, mealy bug, scales, * * * leaf roller and others * * *. On sucking insects it should be diluted with from 25 to 35 parts of water * * *. Spray tender foliage with weaker solution but oftener * * * for leaf roller * * *," borne on each of the labels affixed to each of the cans containing the article, were false and misleading, and by reason thereof the said article was labeled and branded so as to deceive and mislead the purchaser in that the said statements represented and professed that the article, when used as directed, would be an effective remedy against white flies, mealy bugs, scales, leaf rollers, all sucking insects, and all other insects, whereas, in fact and in truth, it would not.

On October 13, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY,

Acting Secretary of Agriculture.

849. Adulteration and misbranding of Arsenate of Calcium. U. S. * * * v. 10 Barrels of Dry Powdered Arsenate of Calcium. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 1158. S. No. 141.)

On or about August 1, 1922, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of a quantity of "Dry Powdered Arsenate of Cal-

cium." It was alleged in the libel that the article was contained in 10 barrels, that it had been shipped on or about May 20, 1922, by the Sherwin Williams Company, Cleveland, Ohio, from the State of Ohio into the State of Oklahoma, and that having been so transported it remained unsold at Idabel, Okla., and that it was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

Adulteration of the article contained in 2 of the 10 barrels was alleged in the libel for the reason that the statements regarding the said article, to wit, "70% Active Ingredient: Calcium Arsenate. 30% Inert Ingredients. Total Arsenic (expressed as percentum of metallic arsenic) not less than 26.1%: equivalent to 40% Arsenic Oxide," borne on each of the labels affixed to the said 2 barrels, purported and represented that the standard and quality of the said article were such that it contained calcium arsenate in a proportion of not less than 70 per centum, that it contained total arsenic, expressed as metallic arsenic, in a proportion of not less than 26.1 per centum and arsenic oxide in a proportion of not less than 40 per centum, and that it contained inert ingredients, that is to say, substances that do not prevent, destroy, repel, or mitigate insects, in a proportion of not more than 30 per centum; whereas the strength and purity of the said article fell below the professed standard and quality under which it was sold in that, in fact and in truth, it did contain calcium arsenate in a proportion less than 70 per centum, it did contain total arsenic, expressed as per centum of metallic arsenic, in a proportion less than 26.1 per centum and arsenic oxide in a proportion less than 40 per centum, and did contain inert ingredients in a proportion greater than 30 per centum.

Adulteration was alleged with respect to the product contained in the remaining 8 barrels for the reason that it was intended for use as a dust on vegetation, to wit, the cotton plant, and the said article contained a substance, to wit, arsenic in water-soluble forms, which said substance, when the article is applied to the cotton plant as a dust as directed, would be injurious to such vegetation.

Misbranding was alleged with respect to the product contained in the said 2 barrels for the reason that the statements regarding the article, to wit, "70% Active Ingredient: Calcium Arsenate. 30% Inert Ingredients. Total Arsenic (expressed as percentum of Metallic Arsenic) not less than 26.1%: equivalent to 40% Arsenic oxide," borne on the labels affixed to each of the 2 barrels, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser in that they represented and professed that the said article contained calcium arsenate in a proportion of not less than 70 per centum, that it contained total arsenic, expressed as per centum of metallic arsenic, in a proportion of not less than 26.1 per centum and arsenic oxide in a proportion of not less than 40 per centum, and that it contained inert ingredients, that is to say, substances that do not prevent, destroy, repel, or mitigate insects, in a proportion of not more than 30 per centum; whereas, in fact and in truth, the said article did contain calcium arsenate in a proportion less than 70 per centum, did contain total arsenic, expressed as per centum of metallic arsenic, in a proportion less than 26.1 per centum and arsenic oxide in a proportion less than 40 per centum, and did contain inert ingredients in a proportion greater than 30 per centum.

Misbranding was alleged with respect to the remaining 8 barrels of the product for the reason that the statements, regarding the article, to wit, "Arsenic in water soluble form (expressed as percentum of Metallic Arsenic) not more than 0.5%: Equivalent to 0.75% Arsenic Oxide." "Dry dusting for cotton boll weevil * * * Use calcium arsenate as it comes from the package, without a carrier," borne on each of the labels affixed to the said 8 barrels, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser in that they represented and professed that the article contained arsenic in water-soluble forms, expressed as per centum of metallic arsenic, in a proportion of not more than .5 per centum, that it contained arsenic in water-soluble forms, expressed as arsenic oxide, in a proportion of not more than .75 per centum, and that the said article was suitable for use as a dry dust on the cotton plant; whereas, in truth and in fact, the article did contain arsenic in water-soluble forms, expressed as per centum of metallic arsenic in a proportion greater than .5 per centum, did contain arsenic in water-soluble forms, expressed as arsenic oxide, in a proportion greater than .75 per centum, and the said article was not suitable for use as a dry dust on the cotton plant.

On September 26, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY,

Acting Secretary of Agriculture.

850. Adulteration and misbranding of "Sulfocide." U. S. * * * v. 19 Packages of "Sulfocide." Decree of condemnation and forfeiture. Product released under bond. (I. & F. No. 1164. S. No. 144.)

On August 15, 1922, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 19 packages of "Sulfocide." It was alleged in the libel that the article had been shipped on or about March 31, 1922, by the B. G. Pratt Company, Hackensack, N. J., from the State of New Jersey into the State of Massachusetts, and that having been so transported it remained unsold at Springfield, Mass., and that it was an adulterated and misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

Adulteration of the article was alleged in the libel for the reason that it was intended to be used on vegetation, to wit, peach and Japanese plum trees, and it contained a substance or substances which, when used and applied in the method and manner and in the strength and proportion as indicated and directed by the labeling, would be injurious to such vegetation.

Misbranding of the article was alleged in substance for the reason that the statements regarding the article, to wit, "Sulfocide * * * A powerful new fungicide * * * Some diseases are controlled by a copper preparation and others by sulphur compounds. To the latter you can usually apply 'Sulfocide' with best results such as * * * smut of fruit trees * * * Powdery mildew on apples * * * is more nearly controlled than by any other spray we know of. * * * Non-Poisonous but acts as a repellent to some insects such as curculio on peaches and plums, flea-beetle on potatoes and tomatoes * * * also borers * * * when used as a paint on the trunks of trees * * *. For potatoes, spray with 'Sulfocide' 1 gallon to 150 gallons of water, every ten days or two weeks after they are three or four inches high. This will take care of * * * and flea beetle * * *. For borers * * * paint the trunk of the tree as high above the ground and as far down under the ground as is necessary for protection, using 'Sulfocide' at a 1 to 1 solution," borne on the labels affixed to the cans containing the article, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser in that they represented and purported that the said article, when used to control curculio in the method and manner and in the strength and proportion as directed, could be safely so used upon the foliage of peach and Japanese plum trees, that it could usually be applied with the best results against all diseases which are controlled by sulphur compounds, that, when used as directed, it could be applied with best results against all smuts of fruit trees, and would be effective against curculio on peach and plum trees and against flea beetles on potato and tomato plants and against all borers, and would more nearly control apple powdery mildew than any other spray; whereas, in fact and in truth, the said article, when used to control curculio in the method and manner and in the strength and proportion as directed, could not be safely so used upon the foliage of peach or Japanese plum trees, but such use would cause serious injury to the foliage of such trees; it could not usually be applied with the best results against all diseases which are controlled by sulphur compounds; the said article, when used as directed, could not be applied with best results against all smuts of fruit trees; it would not be effective against curculio on peach and plum trees, or against flea-beetles on potato and tomato plants, or against all borers, and when used as directed it would not more nearly control apple powdery mildew than any other spray, for example, lime sulphur solution.

On October 25, 1922, the B. G. Pratt Co., New York, N. Y., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings.

C. W. PUGSLEY,

Acting Secretary of Agriculture.